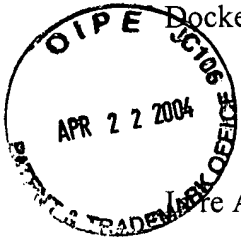


APR 26 2004

OFFICE OF PETITIONS

PATENT

Docket No.: 066396-0059

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of

JACKSON, DAVID, et al.

Serial No.: 10/628,044

Group Art Unit: Not known

Filed: July 25, 2003

Examiner: Not known

For: **DIAGNOSING MALFUNCTIONING WHEEL ALIGNMENT SYSTEM****CERTIFICATE OF MAILING (37 C.F.R. § 1.8(a))**

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail under 37 CFR 1.8(a) in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313 on the date indicated below.

Date:

April 19, 2004  
Jessica Brown

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**INFORMATION REGARDING PETITION TO CORRECT FILING DATE UNDER 37  
C.F.R. § 1.10(d)**

Sir:

Applicant filed a Petition to Correct Filing Date under 37 C.F.R. § 1.10(d) on September 9, 2003.

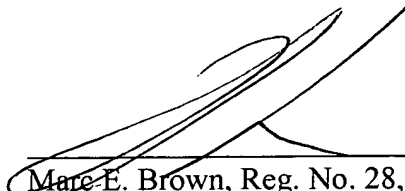
Applicant filed Supplemental Evidence to Support Petition to Correct Filing Date under 37 C.F.R. § 1.10(d) on November 20, 2003.

Applicant is awaiting a decision on this petition.

In the meantime, enclosed please find a copy of a Decision on Petition Under 37 CFR 1.10(d) that was issued by the PCT Legal Administration granting a similar petition that applicant filed in the corresponding PCT application.

Please charge any required fee to our Deposit Account No. 501946, and reference attorney docket number 66396-059-6806. Please charge any additional fees or credit any overpayment to Deposit Account No. 501946. We enclose a duplicate copy of this paper.

April 19, 2004  
Date

  
Marc E. Brown, Reg. No. 28,590  
Attorney for Applicant

**MCDERMOTT, WILL & EMERY**  
2049 Century Park East  
Los Angeles, CA 90067  
Telephone: (310) 277-4110  
Facsimile: (310) 277-4730



Stephen A. Becker  
McDermott Will & Emery  
600 13<sup>th</sup> Street, NW  
Washington, DC 20005-3096

In re Application of  
SNAP-ON TECHNOLOGIES, Inc.  
PCT No.: PCT/US3/23560  
Int. Filing Date: 25 July 2003  
Priority Date: 25 July 2002  
Docket No.: 66396-059  
For: DIAGNOSING MALFUNCTIONING  
WHEEL ALIGNMENT SYSTEM

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OFFICE OF PETITIONS

DECISION

ON PETITION UNDER

37 CFR 1.10(d)

This decision is in response to applicant's "Response to Decision On Petition to Correct Filing Date Under 37 C.F.R. 1.10(d)" filed in the United States Patent and Trademark Office on 13 November 2003. No petition fee is required.

### BACKGROUND

Applicant filed international application PCT/US3/23560 via Express Mail.

On 02 September 2003, RO/US mailed a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) indicating the international filing date was 26 July 2003.

On 04 September 2003, applicant filed a petition accompanied by copies of the Express Mail mailing label, the Certificate of Mailing by Express Mail and declarations.

On 16 September 2003, the Office mailed Decision On Petition Under 37 CFR 1.10(d), dismissing applicant's petition without prejudice.

On 13 November 2003, applicant mailed the instant renewed petition.

On 21 November 2003, applicant submitted Response to Invitation to Correct Priority Claim, indicating that applicant was awaiting a response to a renewed petition.

### DISCUSSION

Applicant claims that the filing date accorded to correspondence filed by Express Mail is incorrect. The Express Mail mailing label indicates 26 July 2003 as the date of deposit, however, applicant claims that it was deposited on 25 July 2003. The applicable rule is 37 CFR 1.10(d), which states:

(d) Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that the "date-in" on the "Express Mail" mailing label or other official notation entered by the USPS was incorrectly entered or omitted by the USPS, may petition the Commissioner to accord the correspondence a filing date as of the date the correspondence is shown to have been deposited with the USPS, provided that:

(1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date based upon an incorrect entry by the USPS;

(2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail";

(3) The petition includes a showing which establishes, to the satisfaction of the Commissioner, that the requested filing date was the date the correspondence was deposited in the "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day. Any showing pursuant to this paragraph must be corroborated by evidence from the USPS or that came into being after deposit and within one business day of the deposit of the correspondence in the "Express Mail Post Office to Addressee" service of the USPS.

Items (1) and (2) were previously met.

Item (3) has now been satisfied. The statement from USPS is sufficient.

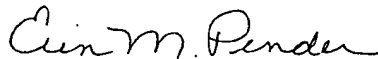
### CONCLUSION

For the reasons listed above, applicant's petition under 37 CFR 1.10(d) to correct the international filing date is GRANTED.

The application is being returned to the RO/US for continued processing, including preparation of a new "Notification of International Application Number and of the International Filing Date" (Form PCT/RO/105) to indicate an international filing date of 25 July 2003.



Richard Cole  
PCT Legal Examiner  
PCT Legal Administration



Erin M. Pender  
Attorney Advisor  
PCT Legal Administration

Telephone: 703-305-0455  
Facsimile: 703-308-6459

cc: International Bureau  
34, Chemin des Colombettes  
1211 Geneva 20  
Switzerland